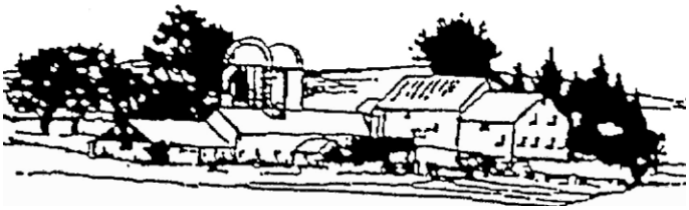
The Colts Neck

Farmland Preservation Bulletin
Summer/Fall 2012



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Colts Neck Farmland Preservation
And Open Space Committee

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FORWARD:

The Farmland Preservation and Open Space Committee of Colts Neck Township issues a Semi-Annual Bulletin to improve communications between Colts Neck Landowners and the Committee. In the interest of efficiency, the Bulletin will be kept brief but will cover topics that the Committee believes will be of interest and useful to Colts Neck Landowners. In addition to keeping Landowners apprised of Local, County and State actions, issues and options related to the Farmland Preservation Program, the Bulletin will cover Farm Bureau Applications and other information on Agriculture Programs and farmland use in general. Questions should be referred to the above committee members.

WHAT'S HAPPENING AROUND TOWN?

Death of Committee Member Patricia Polgar

The Committee was saddened by the untimely death of Charter Member Patricia (Pat) Polgar on Thursday, November 8, 2012. She was born in Newark where she attended Weequahic High School and then received her college degree at Upsala College in East Orange.
She had been a teacher at Immaculate Conception School In Somerville, New Jersey.
Upon moving to Colts Neck in 1988 With her husband Robert, Pat took a strong interest in her new community. During her tenure on the Committee, she has been an effective advocate for preserving Colts Neck farmland and open space. The Committee will miss her ready smile and want to convey our sympathies to her husband Robert and other members of her family.

Preserved Farms Update – Work continues on the processing of a recent Application submitted by the owner of a 16.12 acre farm located on Phalanx Road near two previously preserved farms ---- the 106.4 acre McCrane farm and the 85.8 acre Blackburn farm. Closing on this preservation application was anticipated to take place earlier this year, but negotiations have taken longer than expected. However, the current prognosis is that all parties involved with this application are anticipating a successful closing soon.

Interest has recently been expressed in preservation by the owners of a 28 acre farm, also in the North East section of the Township, who the Committee has been working with and discussing the benefits of preservation for some time. Work is continuing on this potential Application.

Finally, local property owners are beginning to re-explore the benefits of preservation and the Committee is hopeful that we will receive more inquiries from those farm owners that the Committee had sent letters earlier this year. As noted in the Winter/Spring 2012 Issue of our Bulletin, these farms are all greater than 25 acres and in total comprise approximately 350 acres.

Monmouth County Issues

Monmouth County Agriculture Board – Current Members

Member	Represents	Term Expires
Joseph McCarthy – Chairmen	Public	2013
William Potter III – Vice Chairman	Public	2012
William Sciarappa – Secretary	Agriculture Agent	POB*
Charles Buscaglia	Soil Conservation District	2012
Patricia Butch – Alternate	Public	2012
Ross Clayton – Alternate	Board of Agriculture	2012
Gary DeFelice	Board of Agriculture	2012
Thomas Geran	Public	2013
Arthur Giambrone	Public	2014
Chet Halka	Board of Agriculture	2012
James Stuart	Monmouth County Planning Board	2013

*Pleasure of the Board

Monmouth County Preservation pushes New Jersey through 200,000 Acre Milestone

The following was recently reported by Harriet Honigfeld of the Monmouth County Agricultural Development Board. In September, the MCADB closed on the Sigismondi, Dey Grove Road farm, a 98 acre farm, in Manalapan, Township. This closing pushed New Jersey over the 200,000- acre mark for total preserved farmland. A press event was held on October 9th in Salem County to mark the 200K milestone. Upper Freehold Township was singled out for being the municipality with the most preserved farms in the state.

Flemer Entities Deal

In August of this year, the various preservation parties closed on the Flemer Entities Deal, encompassing 627 additional acres of preserved farmland in Monmouth County (847 in total when the acreage of the partnering counties is included) and another 1000- plus acres of open space. With the additional 8 agricultural easements in Monmouth County, we now have more than 14,000 acres of preserved farmland in the county.

Other Preservation Closings

At the end of July, the MCADB preserved the 15-acre Olbis farm which is surrounded by the 139-acre Clayton farm, located in Freehold Township, that was preserved in 2008.

Also, in September, the Monmouth Conservation Foundation purchased a 38-acre agricultural easement on the Gimbel farm in Middletown.

State Agriculture Development Committee (SADC) Issues

Nonagricultural Uses

The SADC has updated and summarized its current directive concerning nonagricultural uses on preserved farms effective June 22, 2012. The following has been extracted from the SADC directive:

The restrictions in the Deed of Easement limit a preserved farm to agricultural uses. Once your farm has been preserved, no nonagricultural uses will be allowed, except if otherwise outlined in the Deed of Easement or if they occur within an exception area. Because nonagricultural uses are not related to agricultural production, they cannot continue unless recorded in a Schedule B in the Deed of Easement or contained within an exception area. Both of these options are designed to protect you and allow you to continue your nonagricultural use into the future.

Do you have a non-agricultural use on your farm?

Some examples of a non-agricultural use include:

- An existing business, not related to your farm's agricultural production, located in your barn or home
- A lumber processing business that uses timber produced/grown by other farmers
- A facility used to process or sell agricultural products not raised on the farm or by the owner's farming operation
- A portion of your farm or structure on your farm that is rented or used by someone else for a use or business not related to the production of your farm (e.g., equipment, vehicle parking, office)

- A portion of your farm or structure on your farm that is used for the storage of agricultural products or materials not derived from or intended for use on your farm (e.g., grain/cold storage, parts, chemicals, fertilizers)

Schedule B Non-agricultural Use

This option allows you to continue your non-agricultural use following the preservation of your farm at the same scale and location it is at the time of preservation. Before appraisals and surveys are conducted, you will be asked to identify and describe any nonagricultural uses occurring on your farm. Details of the use(s), such as the type, frequency, intensity, size and location, will be recorded as a Schedule B and attached to the Deed of Easement. This document binds your use to its current parameters so that you cannot expand or change it in the future.

Although you will still be paid for the land under the use, this option provides you with little flexibility and no opportunity to expand the use, change the use, or start a new use in the future. Additionally, if the current nonagricultural use ceases at some point, you are not permitted to resume it in the future.

Nonagricultural Uses in Exception Areas

You also have the option of excepting out some of your land under and surrounding a nonagricultural use(s) from the Deed of Easment. This option provides you with maximum flexibility for your use in the future since the land in exception areas is not subject to the restrictions of the Deed of Easment. Although you will not be paid for the land in an exception area, you will be able to change, improve and expand your use within the exception area as you wish, subject to all applicable local and state regulations.

An exception area around a nonagricultural use is ideal if you can foresee the use or an area of your farm changing in the future. For instance, you may have an older barn that is becoming too small for modern tractors and your agricultural operation. Rather than razing it or allowing it to go into disrepair, you may want to rent this space out to a carpenter or other small business. By including the structure in an exception area, you maintain the flexibility to repurpose an agricultural structure and adapt to the changes of your farm.

Residential Opportunities on Preserved Farms

Exception Areas are portions of the Applicant's land holdings that are not to be encumbered by the Deed of Easement restrictions contained in N.J.A.C. 2:76-6.15 (except for limited purposes as defined in the Deed of Easement, e.g., no more than one residence is permitted, the exception area cannot be further divided).

Landowners may decide to create exception areas around their existing homes and infrastructure to not be limited by the Deed of Easement restrictions and retain flexibility in these areas.

Most exception areas are created for "Residential Opportunities", meaning to either create a place to build a new house or except out the area around an existing house. Careful attention must be given to the extent and location of such exceptions to avoid potential conflicts with the preserved premises.

Some counties already have size restrictions on houses associated with preserved farms, and the SADC restricts the number of residential opportunities on farms preserved through the Direct Easement and Fee Simple programs. Through the SADC Fee Simple program, farms purchased and auctioned by the SADC carry a restriction on the size of the residential unit associated with the Residential Dwelling Site Opportunities (RDSO). The residential unit cannot exceed 3,500 square feet of heated living space and 1,000 square feet of building footprint for ancillary structures such as porches, decks, and garages.

There are two kinds of exception areas:

- Severable: may be subdivided from the farm
- Non-Severable: may not be subdivided from the farm

What Does the SADC Consider When Evaluating Exception Areas?

SADC staff considers the following information when evaluating the size and location of exception areas for housing:

- Is the size and location appropriate for, or necessitated by, the topography of the farm?
- How much land will be taken out of production?
- How does the land taken out of production affect the pattern and viability of farming? Does it fragment the operation?
- What is the local zoning? If the exception is severable, can it be further subdivided?
- Does the severable exception have its own access to a roadway?
- Are the number of housing opportunities within the exception area restricted?
- Has the suitability of the intended uses been explored? (e.g., have percolation and water supply questions been resolved?)
- Is the total number of proposed housing units appropriate given the size of the farm and the tillable acreage available for agriculture on the farm?

Until such time as the SADC adopts formal rules regarding the number and placement of housing opportunities and exceptions, they will review and consider applications on a case-by-case basis. Regarding pre-acquisitions, they strongly encourage seeking an SADC informal review if the applicant has any reservations regarding housing and exceptions. For more information on exceptions, visit the SADC's guidance library at www.nj.gov/agriculture/sadc/publications/exceptions.pdf.

Useful Internet Links

The following are selected Internet Links that are provided here to assist Colts Neck Landowners desiring access to additional information relating to Farmland Preservation and other agricultural issues:

State Agriculture Development Committee (SADC) –
http://www.state.nj.us/agriculture/sadc/sadc.htm

Monmouth County Agriculture Development Board (MCADB)
http://co.monmouth.nj.us/departments/planningboard/environmentalplanning/farmlandpreservation.org

NJ Farm Bureau – **http://www.njfb.org/**

The American Farmland Trust's Web site (www.farmlandinfo.org), and

The Nature Conservancy's Web Site (www.nature.org)